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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,617	03/15/2004	Shannon G. Parsons	1007.002	2616

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,617

Applicant(s)

PARSONS, SHANNON G.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the third office action for application number 10/708,617, Display Adjustably Positionable About Swivel and Pivot Axes, filed on March 15, 2004.

Response to Amendment

The indicated allowability of claim 38 is respectfully withdrawn in further view of the reference to Howell et al. Rejections based on the previously cited reference(s) follow.

Cancellation of Claims

Claims 1-35 and 38 have been canceled per applicant's request.

Claim Rejections - 35 USC § 112

Claims 36, 37, and 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 36 and 39 recite the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent 6,899,422 to Howell et al., hereinafter, Howell. Howell discloses an arrangement for variably supporting a display, the arrangement comprising: a first arm (50) mounted to a support (11) by a coupling (12) such that the first arm can be variably swiveled about the coupling to the support; a second arm (66) coupled to the first arm such that the second arm can be variably pivoted and swiveled about the coupling to the first arm; a display (42 or 44) coupled to the second arm and suspended from the support such that the display can be variably pivoted and swiveled about the coupling to the second arm; wherein the second arm comprises a pair of parallel elongate members (224 & 226, in Fig. 14) each coupled to the first arm and coupled to the display; a first swivel (46) coupling the first arm to the support; a second swivel (62) coupling the second arm to the first arm; a third swivel (74) coupling the display to the second arm; and wherein the first arm is mounted to a wall/ceiling (14).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,950,086 to Schulman et al, hereinafter, Schulman in view of Howell.

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Schulman discloses an arrangement for variably supporting a display, the arrangement comprising: an overhead track (11); a carriage (14) coupled to the overhead track such that the carriage can be variably positioned along the overhead track; a first arm (17) coupled to and suspended from the carriage such that the first arm can be variably swiveled about a coupling to the carriage; a second arm (19) coupled to the first arm, and a display (21) coupled to the second arm.

Schulman discloses the claimed invention except for the limitations of the second arm being variably pivoted and swiveled about a coupling to the first arm, the second arm having a pair of parallel elongate members coupled to the first arm and the display, and second and third swivels. Howell teaches an arrangement for variably supporting a display, the arrangement comprising: a first arm (50) mounted to a support (11) by a coupling (12) such that the first arm can be variably swiveled about the coupling to the support; a second arm (66) coupled to the first arm such that the second arm can be variably pivoted and swiveled about the coupling to the first arm; a display (42 or 44) coupled to the second arm and suspended from the support such that the display can be variably pivoted and swiveled about the coupling to the second arm; wherein the second arm comprises a pair of parallel elongate members (224 & 226, in Fig. 14) each coupled to the first arm and coupled to the display; a first swivel (46) coupling the first arm to the support; a second swivel (62) coupling the second arm to the first arm; and a third swivel (74) coupling the display to the second arm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first and second arm arrangement in Schulman to have included the arm

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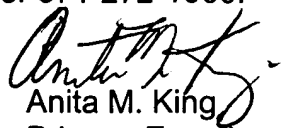
arrangement as taught by Howell for the purpose of providing more degrees of adjustability of the assembly in regards to the supporting structure and the display suspended therefrom.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

October 11, 2006